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CMA No. 482 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-07-2025

CORAM

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

CMA No. 482 of 2024

1. V.Sivaraman

S/o.G.Venu, res at NO.2/54, Moopanar
Street, Nesavalur Nagar, Jalladianpettai,
Chennai-600010

2.K.Adhilakshmi

W/o.Kumar, res at NO.2/54, Moopanar
Street, Nesavalur Nagar, Jalladianpettai,
Chennai-600010

3. BHARATHI

W/o.Murugan, res at NO.2/54,
Moopanar Street, Nesavalur Nagar,
Jalladianpettai, Chennai-600010

Appellant(s)

Vs

1. The Managing Director

Tamilnadu State Transport Corporation
Ltd., No.3/137, Salamedu, villupuram-
605602

Respondent(s)



CMA No. 482 of 2024

PRAYER

To allow the present appeal award enhanced compensation in judgment and decree dt. 30.06.2023 in MCOP No.7037/2017 on the file of the Special Sub Judge-II, Small Causes Court, Chennai

CMA No. 482 of 2024

For Appellant(s): Mr.R.Nalliyappan

For Respondent(s): Mr.C.R.Sureshkumar

JUDGEMENT

This Civil Miscellaneous Appeal has been filed to enhance the compensation in judgment and decree dt. 30.06.2023 in MCOP No.7037/2017 on the file of the Special Sub Judge-II, Small Causes Court, Chennai

2. On 05.11.2017 at about 00.45 hours when the deceased was proceeding in a bus bearing registration No. TN 32 N 3073 along Chennai - Vellore National Highway at Vellaigate overbridge middle, the driver drove the bus in a rash and negligent manner dashed against the vehicle due to which deceased sustained grievous injuries and died on 24.06.2018 while undergoing treatment. Thereafter the claimants filed the petition before the tribunal claiming compensation. The respondent contested the case by filing counter. After



considering the oral and documentary evidence, the tribunal awarded compensation. Challenging the quantum of compensation the claimants filed this appeal.

3. The learned counsel for the appellants/claimants submit that the deceased was working as mason earned Rs.700 per day but the tribunal has fixed only Rs.6,000/- as notional income of the deceased which is very meagre. Hence, he prays to enhance the compensation.

4. The learned counsel for the respondent submits that tribunal has rightly fixed compensation which needs no interference. Hence, he prays to dismiss this appeal.

5. Considering the facts of the case, the deceased died 60 months after the accident and also the claimants has not produced any post mortem report to prove cause of death and disability certificate also not produced hence the tribunal has rightly awarded compensation only in few heads. However, considering the cost of living at the time of the accident this Court is inclined to fix Rs.16,000/- as income of the deceased. Accordingly, the claimants are entitled to Rs.64,000/- under the head of loss of income for four months and



Rs.20,000/- for extra nourishment and Rs.10,000/- for transportation. Except

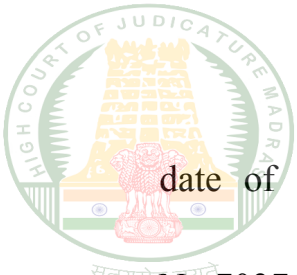
above modification, the award passed by the tribunal in other heads remain

unchanged.

7. In view of the discussions made earlier, the award passed by the Tribunal is modified as follows:-

S.No.	Head	Compensation awarded by the Tribunal	Compensation awarded by this Court
1.	Pain and sufferings	Nil	Nil
2.	Loss of Income	Rs.36,000/-	Rs.64,000/-
3.	Medical Expenses	Rs.4,800/-	Rs.4,800/-
4.	Transportation expenses	Rs.5,000/-	Rs.10,000/-
5.	Extra Nourishment	Rs.10,000/-	Rs.20,000/-
6.	Attender charges	Rs.30,000/-	Rs.30,000/-
7.	Damages to cloths and article	Nil	Nil
8.	Lost of amenities	Nil	Nil
9.	For permanent disability	Nil	Nil
10	Total	Rs.85,800/-	Rs.1,28,800/-

8. In view of the discussions made earlier, the compensation awarded by the Tribunal is enhanced to Rs. 1,28,800/-. The respondent is directed to deposit the said amount together with interest at the rate of 7.5% per annum from the



date of claim petition to the date of realisation, to the credit of MCOP

No.7037/2017 on the file of the Special Sub Judge-II, Small Causes Court,

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Chennai, within a period eight weeks from the date of receipt of a copy of this judgement. On such deposit, the claimants are permitted to withdraw the award amount by making formal application before the Tribunal. The respondent may deduct the amount, if any amount has already deposited before the tribunal.

9. With the above direction, the Civil Miscellaneous Appeal is partly allowed. No costs.

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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To

1. The Managing Director
Tamilnadu State Transport Corporation
Ltd., No.3/137, Salamedu, villupuram-
605602.

2. The Special Sub Judge-II, Small
Causes Court, Chennai.

3. The Section officer, V.R Section,
High Court, Madras.



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T.V.THAMILSELVI J.
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